

To: City of Auburn Planning Board

From: Maureen Hopkins, 16 Topaz Circle, Auburn, ME (Granite Mill Estates)

Date: May 8, 2023

RE: Proposed Development Taylor Brook House

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Dear Planning Board Members,

I am writing to you to express my opposition to the proposed development of the Taylor Brook House project before you, located off Hotel Road, Parcel I.D. 237-070-001. I believe that this proposed development conflicts with numerous provisions of the City of Auburn Code of Ordinances, as follows:

- 1. The proposed development does not meet the setbacks from wetlands required by the City of Auburn Code of Ordinances.** Portions of the proposed development are located in the Shoreland Zone and in the Shoreland Resource Protection District Overlay. The Land Use Requirements in Article XII, Division 5, Section 60-989 of the City of Auburn Code of Ordinances (hereinafter the “Code”), state that for the Shoreland Zone, “Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.” The regulations for this district provide that principal structures shall be set back a minimum of 75 feet from the upland edge of a wetland in the Shoreland zone, and a minimum of 250 feet from the upland edge of a wetland in the Shoreland Zone Resource Protection District.<sup>1</sup> The site layout plan, sheet C2.1 provided by the applicant and included as page 161 in the published application for approval, appears to show that the proposed structure does not meet these required wetland setbacks, and the structure is significantly encroaching on the wetland areas in contravention to this ordinance provision. If there has been no variance granted, I fail to see how the Planning Board can find that the proposed project meets the setback requirements set forth in the Code.
- 2. The proposed development does not meet the special exception criteria for the Shoreland Resource Protection District Overlay.** Principal Structures and uses including driveways are not an allowable use in the Shoreland Resource Protection District Overlay and must be granted a special exception.<sup>2</sup> Pursuant to the Code, the Planning Board may grant a special exception, if the decision of the board will, “be in harmony with the expressed intent of the zoning ordinance and with the expressed major purpose of the city master development plan.”<sup>3</sup> The stated purpose of the Shoreland Resource Protection District Overlay is to, “further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to

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<sup>1</sup> City of Auburn Code of Ordinances Article XII, Division 5, Section 60-992

<sup>2</sup> City of Auburn Code of Ordinances Article XII, Division 5, Section 60-991(b)(2)(d)

<sup>3</sup> City of Auburn Code of Ordinances Article XVI, Division 3, Section 60-1335

conserve natural beauty and open space; and to anticipate and respond to the impacts of development in natural resource areas.”<sup>4</sup> The applicant is proposing a massive 13,000 square foot building and over 42,000 square feet of impervious area in an ecologically sensitive, natural resource area. Applicant’s report titled “Wetland, Streams, and Cursory Vernal Pool Delineation Report” notes on page 3 that “Inland Waterfowl and Wading Bird Habitat was mapped within the subject property. Wetlands within this significant habitat meet the WOSS classification” with WOSS being a Wetland of Special Significance. It is clear that the massive scale of the proposed development and the potential impact to the birds residing the wetland of special significance should preclude the Planning Board from determining that the proposed project is in harmony with the expressed intent of the Code and qualifies for a special exception. Rather, this proposed project is exactly the type of development that should not be undertaken in environmentally sensitive areas and should not be granted a special exception.

3. **The proposed development does not meet the special exception criteria for the Suburban Residence District.** Group care homes are not an allowable use in the Suburban Residence District and must be granted a special exception.<sup>5</sup> The stated purpose of the Suburban Residence Zone is, “to ensure an open character of development through its lot size requirements and through permitting of certain uses, rural in nature, that are compatible with residential uses.”<sup>6</sup> To find that the proposed project qualifies for a special exception, the Planning Board would need to find that the project is rural in nature, and compatible with residential uses. The staff report notes that the Taylor Brook Home would be in operation 24 hours a day, 7 days a week, 365 days per year. In addition to eight full-time residents, this would also include multiple staff members and visitors entering and exiting continuously throughout the day and night. This is a business. A 24/7/365 business with traffic, noise, and lights that would be disruptive to the residential uses on either side of it. A 25/7/365 business that is not compatible with the quiet, rural residential nature of the neighborhood. A 24/7/365 business that is not, as required by the Code, in harmony with the expressed intent of the zoning ordinance. This use is incompatible with the surrounding residential uses, and the Planning Board should not grant a special exception.

While I agree that the proposed project is a well-intentioned and much needed facility, there are far more appropriate locations that will not have adverse impacts on wetlands, wildlife habitats, and residential neighborhoods. For the reasons stated above, the Planning Board should find that this project does not conform to the requirements of the City of Auburn Code of Ordinances and should deny the application for the proposed Taylor Brook Home development.

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<sup>4</sup> City of Auburn Code of Ordinances Article XII, Division 5, Section 60-991

<sup>5</sup> City of Auburn Code of Ordinances Article IV, Division 5, Section 60-255(a)

<sup>6</sup> City of Auburn Code of Ordinances Article IV, Division 5, Section 60-254